

Before the
Federal Communications Commission
Washington, D.C. 20554

Federal-State Joint Board)	CC Docket No. 96-45
On Universal Service)	

**COMMENTS OF THE TEXAS 9-1-1 AGENCIES
AND THE NATIONAL EMERGENCY NUMBER ASSOCIATION**

The Texas 9-1-1 Agencies¹ and the National Emergency Number Association (“NENA”) focus these comments on the “core” service of “access to emergency services” and on whether and under what conditions soft dial tone” or “warm line” service should be a “core” service in response to the Public Notice² regarding the definition of universal service issued by the Federal-State Joint Board on Universal Service (Joint Board).

¹ The Texas 9-1-1 Agencies consist of the Texas Commission on State Emergency Communications (“TX-CSEC”) and Texas Emergency Communication Districts. TX-CSEC is a state agency created pursuant to Texas Health and Safety Code Chapter 771. The Texas Emergency Communications Districts, which were created pursuant to Texas Health and Safety Code Chapter 772, are Bexar Metro 9-1-1 Network, Brazos County Emergency Communication District, Calhoun County 9-1-1 Emergency Communication District, Denco Area 9-1-1 District, 9-1-1 Network of East Texas, Emergency Communications District of Ector County, Galveston County Emergency Communication District, Greater Harris County 9-1-1 Emergency Network, Henderson County 9-1-1 Communication District, Howard County 9-1-1 Communication District, Kerr County Emergency 9-1-1 Network, Lubbock County Emergency Communication District, McLennan County Emergency Communication District, Medina County 9-1-1 District, Midland Emergency Communications District, Montgomery County Emergency Communication District, Potter-Randall County Emergency Communication District, Tarrant County 9-1-1 District, Texas Eastern 9-1-1 Network, and Wichita-Wilbarger 9-1-1 District.

² Public Notice, “Federal-State Joint Board on Universal Service Seeks Comment on Review of the Definition of Universal Service,” CC Docket No. 96-45, FCC 01-J-1 (August 21, 2001)(Public Notice).

I. Definition of Universal Service

The Texas 9-1-1 Agencies and NENA urge that “access to emergency service” should remain a “core” service eligible for universal service fund support. No “advances in telecommunications and information technologies and services”³ merit eliminating access to emergency service as one of the nine core services eligible for universal service funding. Telephone service is synonymous with access to emergency service via the 9-1-1 emergency number, with end users expecting not only to reach a Public Safety Answering Point (“PSAP”) when they seek emergency assistance but also expecting to dial 9-1-1 to obtain the critically needed assistance. Of all the core services, access to emergency services most-apparently meets the four definitional criteria that the Joint Board and Federal Communications Commission (Commission) are required to consider under the 1996 Act.⁴ Emergency service access undeniably is essential to the public health and public safety. This essential service is part and parcel of competitively available telecommunications service that, as noted above, all end users expect. Lastly, emergency service access via the 9-1-1 emergency number is consistent with the public interest, convenience and necessity. No functional substitutes are available for this critical service.

The Texas 9-1-1 Agencies and NENA would respectfully request the Joint Board to consider one refinement regarding the meaning of “access to emergency services” to better promote comparability between urban and rural areas. The Joint Board should consider requiring that in order receive universal service fund support rural carriers must demonstrate that, to the extent technically feasible, they provide SS7 (as opposed to CAMA) dedicated transport from their end office switches to the 9-1-1 Selective Routing Tandem for purposes of enabling

³ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (1996) (1996 Act).

their end user customers to access 9-1-1 emergency service. While the deployment of SS7 connectivity for access to 9-1-1 emergency service has become common in many urban areas, its deployment in the rural areas lags behind the urban areas.

II. Soft Dial Tone/Warm Line Services

The Joint Board invited comments on whether soft dial tone/warm line service should be included within the list of core services. The Joint Board reasoned that the service enables “an otherwise disconnected line to be used to contact emergency services (911) and the local exchange carrier’s business office.”⁵ The Texas 9-1-1 Agencies and NENA respectfully submit that soft dial tone/warm line service should only be included in the list of core services when an applicable state or local law or applicable state PUC requirement specifically provide for the provision of soft dial tone/warm line service for 9-1-1 purposes.

Soft dial tone/warm line service can have 9-1-1 benefits in that a caller that could not otherwise dial 9-1-1 from a particular disconnected telephone would now be able to call 9-1-1 from that line. However, in states where there is not an adopted state or local law or state PUC requirement related to the provision of soft dial tone/warm line service, the provision of this service on a cases-by-case basis by carriers without consistency or agreement on the 9-1-1 operational standards or processes can potentially create confusion. Some carriers providing soft dial tone on a voluntary basis associate a special class of service code with the service and use a new temporary number and do not provide an automatic location identification (ANI) callback number for these types of lines. Other carriers may not provide a special class of service code or may use a different class of service code for the service. Moreover, carriers voluntarily providing soft dial tone/warm line service may be doing so primarily for business reasons. The

⁴ See 1996 Act, § 254(c)(1).

Texas 9-1-1 Agencies and NENA, for these reasons, respectfully submit that soft dial tone/warm line service should be included in the list of core services only when an applicable state or local law or applicable state PUC requirement specifically provides for soft dial tone/warm line for 9-1-1 purposes. This would help to ensure that appropriate operational standards and processes associated with soft dial tone/warm line service have been worked out with the applicable 9-1-1 agencies and PSAPs and all the interested parties have a clear understanding of how the service will be provisioned in the areas.

III. Conclusion

The Texas 9-1-1 Agencies and NENA appreciate the opportunity to provide input on “core” services for purposes of universal service fund support in rural areas. Clearly, access to emergency services should remain a core service that carriers must provide before being eligible for universal service fund support. The Texas 9-1-1 Agencies and NENA respectfully request the Joint Board to consider the one refinement suggested above to the meaning of “access to emergency services” and the proposed condition related to the provision of soft dial tone/warm line service.

Respectfully submitted,

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⁵ Public Notice at p. 3.

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